

REMARKS

Claims 16-23 and 25-36 are pending in the present application. Claims 1-15 and 24 were previously cancelled. Claims 16-23 have been amended, and claims 29-36 have been added to more particularly define what Applicants regard as their invention. Claims 16 and 29 are independent.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 25-28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. In response, rather than rewriting any of claims 25-28 in independent form at this time,

independent claim 16 is believed to in condition for allowance as currently written; and

independent claim 29 is added to recite a novel combination of elements not suggested by the references cited by the Examiner.

Therefore, independent claims 16 and 29 are in condition for allowance.

AMENDMENTS TO THE SPECIFICATION

The specification is amended merely to correct minor typographical errors.

REJECTIONS UNDER 35 U.S.C. § 103 (a)

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shake et al. (U.S. 6,587,242) in view of Leng et al. (U.S. 6,339,663);

claims 19-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shake et al. and Leng et al., and further in view of Sasaoka et al. (U.S. 6,574,404). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Argument regarding Independent Claim 16

The Examiner will note that independent claim 16 has been voluntarily amended merely to correct a minor informality. Except for this minor informality, the Applicants respectfully submit that independent claim 16 as currently written sets forth a novel combination of elements not suggested by the references cited by the Examiner.

For example, independent claim 16 as currently written recites a combination of elements directed to a communications network, including *inter alia*

a control circuit operatively coupled to said dispersion compensation module, said control circuit being configured to adjust a dispersion characteristic associated with said dispersion compensating module in response to data carried by said service channel optical signal.

As a result of the novel invention of claim 16, the service channel optical signal carries, for example, data representing temperature information, as well as monitoring, diagnostic and/or control information to the service channel emitter, the service channel emitter outputting this information to further modulate the service channel optical signals.

When discussing the Shake et al. reference, the Examiner refers to column 14, lines 50-67, and column 16, lines 1-15 and asserts that monitor light generating means 16 teaches the service channel emitter of the present invention; and asserts that wavelength dispersion compensation amount control means 44 teaches the control circuit of the of the present invention. (See also Shake et al. FIG. 11. for the structural relationship of elements 16 and 44.)

However, as clearly shown in Shake et al. column 15, lines 51-60, this document merely discloses "The wavelength dispersion compensation amount control means 44 controls the amount of wavelength dispersion ... so that the detected clock component is maximized".

Further Shake et al. column 16, lines 53-65 merely discloses "...the wavelength dispersion adjustment means 41, in place of the monitor clock detection means 43 and the wavelength dispersion compensation amount control means 44, it is possible to use a mthod that measures the Q value of the monitoring light....."

Nowhere in Shake et al. is there any hint of a control circuit operatively coupled to said dispersion compensation module, said control circuit being configured to adjust a dispersion characteristic associated with said dispersion compensating module in response to data carried by said service channel optical signal (as set forth in claim 16).

Further, Leng et al. cannot make up for the deficiencies of Shake et al.

Therefore, independent claim 16 is in condition for allowance.

Added Independent Claim 29

In addition, independent claim 29 is added herein modify independent claim 16 by adding the following features:

wherein said control circuit is connected to said service channel emitter, and information output from said control circuit is used by said service channel emitter to generate said additional service channel optical signal which is supplied to said alternative optical communication path.

Therefore, at least for the reasons set forth above in the discussion regarding the patentability of claim 16, added independent claim 29 is also in condition for allowance.

In addition, a careful review of Leng et al. FIGS. 1 and 2, indicates that this document merely teaches a service channel module 200 which is only connected to service channel connectors 110, and network management controller 270. In contrast to the invention set forth in independent claim 29, the Leng et al. document fails to suggest "said control circuit is connected to said service channel emitter, and information output from said control circuit is used by said service channel emitter to generate said additional service channel optical signal which is supplied to said alternative optical communication path".

Added independent claim 29 is in condition for allowance as noted above.

The Examiner is advised that dependent claims 17-23 have been amended merely to place them in better form, and dependent claims 30-36 have been added

depending from added independent claim 29. Dependent claims 30-36 correspond to dependent claims 17-21, 23, and 25.

All dependent claims are now in condition for allowance due to their dependence on allowable independent claims, or due to the additional novel features set forth therein. All claims are now in condition for allowance.

For the above reasons, the Applicants respectfully request reconsideration and withdrawal of the art rejections.


CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Carl T. Thomsen, Registration No. 50,786, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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